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OFFICE OF GENERAL  
COUNSEL

Frederic B. O'Neal, Attorney at Law  
P.O. Box 842  
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telephone (407) 719-6796  
FAX (407) 292-5368  
fredonealatlaw@aol.com

Date: September 22, 2010

To: Jeff S. Jordan

From: Fred O'Neal

Re: MUR 6361

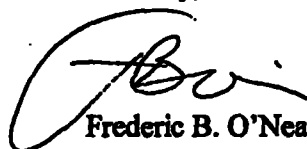
Enclosures: - Response, Appendix, Statement of Designation of Counsel

Dear Sir:

Enclosed please find the above-listed documents in response to the complaint in MUR 6361.

If you should have any questions concerning the above or the enclosed, please don't hesitate to contact me.

Sincerely,



Frederic B. O'Neal, Esq.

Jeff Jordan, Esq.  
Federal Elections Commission  
999 E Street NW  
Washington, DC 20463  
(202) 694-1650



FEDERAL ELECTION COMMISSION  
999 E Street, NW  
Washington, DC 20463

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OFFICE OF GENERAL  
COUNSEL

STATEMENT OF DESIGNATION OF COUNSEL  
Please use one form for each Respondent/Entity/Treasurer  
FAX (202) 219-3923

MUR # 6361

NAME OF COUNSEL: Frederic Bennett O'Neal

FIRM: same

ADDRESS: P.O. Box 842, Windermere, FL 34786

TELEPHONE- OFFICE (407) 719-6796

FAX (407) 292-5368

The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

9-22-10  
Date

[Signature]  
Respondent/Agent -Signature

Chairman / Treasurer  
Title (Treasurer/Candidate/Owner)

NAMED RESPONDENT: Tea Party

MAILING ADDRESS: c/o Frederic B. O'Neal  
(Please Print)

P.O. Box 842, Windermere, FL 34786

TELEPHONE- HOME (407) 719-6796

BUSINESS (407) 292-5368

Information is being sought as part of an investigation being conducted by the Federal Election Commission and the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) apply. This section prohibits making public any investigation conducted by the Federal Election Commission without the express written consent of the person under investigation.

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FEDERAL ELECTION COMMISSION

2010 SEP 24 PM 5: 30

DENA STEBBINS DeCAMP,

OFFICE OF GENERAL  
COUNSEL

Complainant,

vs.

Complaint No. MUR 6361

FREDERIC B. O'NEAL and  
the TEA PARTY, a Florida  
minor political party,

Respondents

**RESPONSE**

Respondents, FREDERIC B. O'NEAL ("O'Neal") and the TEA PARTY ("Tea Party"), a Florida minor political party, by and through O'Neal as its Chairman, respond to the Complaint of Complainant, DENA STEBBINS DeCAMP, as follows:

**Facts**

1. In August of 2009, O'Neal registered the Tea Party with the Secretary of State of Florida as a Florida minor political party, pursuant to Section 97.021(17), Florida Statutes.
2. In December of 2009, O'Neal attempted to register the Tea Party with the Federal Elections Commission ("FEC") as a "national committee" of a "political party", as defined in 2 U.S.C. ss. 431(14) and (16).
3. On January 8, 2010, the FEC's Ashley A. Carter wrote O'Neal (*see*, Appendix filed here with), stating, among other things, the following:

"2. Your Statement of Organization indicates in Line 5(d) that you are a national committee for the "Tea" Party. A national committee is defined as the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of the political party at the national level, as determined by the Commission. 2 U.S.C. s. 431(14).

"Please be advised that before using the contribution limits and/or statutes applicable for national parties, your committee must petition the Commission in the form of an advisory opinion to determine if it satisfies the criteria for national party status. (See

Advisory Opinion 1995-16 on the FEC website at  
<http://www.fec.gov>." (Emphasis in the original).

4. After review of Advisory Opinion 1995-16, O'Neal wrote Ms. Carter on February 11, 2010 (*see*, Appendix filed here with) and stated, among other things, the following:

"After a review of Advisory Opinion 1995-16 and the definitions of "national committee" and "political party" contained in Title 2 United States Code Sections 431(14) and (16), I have concluded that we meet neither of those two definitions.

"Therefore, if it is acceptable to the Commission, we would like to withdraw the Statement of Organization filed on December 28, 2009."

5. After a subsequent telephone conversation between O'Neal and Ms. Carter, O'Neal determined that, because he and the Tea Party had not yet engaged in any Federal electioneering activity, he should terminate rather than withdraw his Statement of Organization. O'Neal wrote the FEC accordingly on March 3, 2010.
6. Two months later, in May of 2010, three candidates, Randy Wilkinson, Margaret Dunmire and Roly Arroyo, qualified with the Secretary of State of Florida to run for the U.S. House of Representatives as Tea Party candidates.
7. Subsequent to those three candidates having so qualified, O'Neal and the Tea Party engaged in numerous expenditures for brochures, billboards and other printed material listing multiple names of various state and federal Tea Party candidates. (*See*, example in the Appendix filed here with).
8. With regard to each of those expenditures, O'Neal (the party chairman and sole member of the party's executive committee) did not cooperate, consult, or act in concert with any of the Tea Party's candidates prior to making such expenditures.
9. For example, on or about June 25 and July 2, 2010, O'Neal and the Tea Party executed two advertising contracts with Clear Channel Outdoor (*see*, Appendix filed here with) to place the names of various state and federal Tea Party candidates on rotating billboards alongside Interstate 4 in Central Florida. Due to the rotating nature of such billboards, several candidates' names were sequentially displayed one after the other. There was no cooperation, consultation, and action in concert between O'Neal and any Tea Party candidate prior to making such expenditure.
10. All such brochures, printed material and billboards carried proper disclaimers.

11. The funds for such brochures, printed material and billboards came solely from the Tea Party treasury and no part of the cost of such items was shared with any candidate.
12. The Tea Party accepts corporate contributions. Corporate contributions went into the accounts from which the cost of such brochures, printed material and billboards were paid.
13. All expenditures (as well as all contributions used for such expenditures) for such brochures, printed materials and billboards were reported to the Division of Elections of the State of Florida, and are available online for inspection by the general public.

#### Law

14. The Tea Party does not qualify as either a "national committee" or a "political party," as defined in 2 U.S.C. ss. 431(14) and (16), for the reasons stated in FEC Advisory Opinion 1995-16.
15. Like the Colorado Republican Party in the case of Colorado Republican Federal Campaign Committee v Federal Elections Commission, 518 U.S. 604, 116 S.Ct. 2309, 135 L.Ed.2d 795 (1996), the Tea Party engages in independent expenditures for brochures, printed materials, and billboards, without coordination with any candidate or any candidate's campaign. These expenditures do not constitute "contributions" to the campaigns of those candidates whose names are displayed.
16. The permissibility of corporate independent expenditures was recently upheld by the Supreme Court. See, Citizens United v. Federal Elections Commission, \_\_\_ U.S. \_\_\_, 130 S.Ct. 876, \_\_\_ L.Ed.2d \_\_\_ (2010). The Tea Party's use of corporate contributions to make independent expenditures is likewise permissible. This is not a situation where the Tea Party is "contributing" corporate money to federal candidates and, thereby, acting as a conduit for corporate contributions to federal candidates.

#### Summary

17. In summary, O'Neal and the Tea Party have made independent expenditures for brochures, printed materials and billboards on behalf of various Tea Party candidates. These brochures, printed materials and billboards advertise and advocate the election of several candidates at the same time. O'Neal and the Tea Party have contributed no money to any federal candidate's campaign. All contributions and expenditures made by O'Neal and the Tea Party are fully reported to state reporting agencies. The Tea Party is not a "national committee" or a "political party" as defined in Title 2 of the U.S. Code.

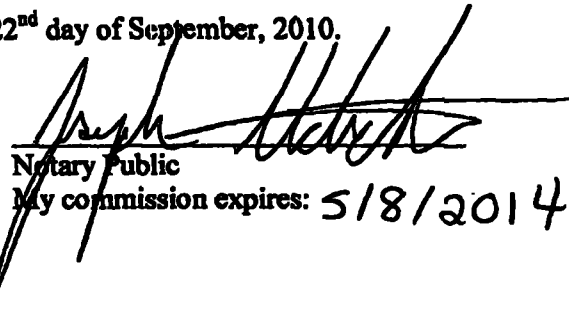
STATE OF FLORIDA  
COUNTY OF ORANGE

BEFORE ME, the undersigned authority, this day personally appeared  
FREDERIC B. O'NEAL, who produced Florida Driver's License No.  
, and who, after first by me being duly sworn, did depose and say that he has read the  
foregoing response and that he knows from his own personal knowledge that the factual  
statements contained therein are true and correct.

  
Frederic B. O'Neal

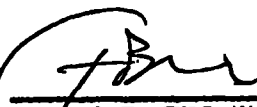
SWORN TO AND SUBSCRIBED before me this 22<sup>nd</sup> day of September, 2010.



  
Notary Public  
My commission expires: 5/8/2014

Dated this 23<sup>rd</sup> day of September, 2010.

Respectfully submitted,

  
Frederic B. O'Neal, Esq.  
Chairman of the Tea Party, a Florida minor  
political party  
P.O. Box 842  
Windermere, FL 34746  
Phone -- (407) 719-6796  
Fax (407) 292-5368  
[Fredonealatlaw@aol.com](mailto:Fredonealatlaw@aol.com)

FEDERAL ELECTION COMMISSION

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2010 SEP 24 PM 5: 3

OFFICE OF GENERAL  
COUNSEL

DENA STEBBINS DeCAMP,

Complainant,

vs.

Complaint No. MUR 6361

FREDERIC B. O'NEAL and  
the TEA PARTY, a Florida  
minor political party,

Respondents

APPENDIX

Respondents, FREDERIC B. O'NEAL ("O'Neal") and the TEA PARTY ("Tea Party"), a Florida minor political party, by and through O'Neal as its Chairman, file this appendix to their response to the Complaint of Complainant, DENA STEBBINS DeCAMP.

**Document Description**

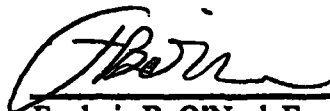
January 8, 2010 letter from Ashley A. Carter to O'Neal

March 3, 2010 letter from O'Neal to Ashley A. Carter

Sample of Tea Party printed material

Dated this 23<sup>rd</sup> day of September, 2010.

Respectfully submitted,



Frederic B. O'Neal, Esq.

**Chairman of the Tea Party, a Florida minor  
political party**

**P.O. Box 842**

**Windermere, FL 34746**

**Phone – (407) 719-6796**

**Fax (407) 292-5368**

**Fredonealatlaw@aol.com**

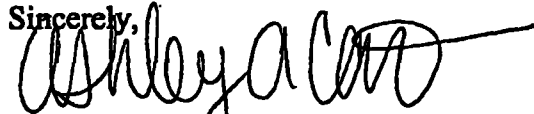




**Please note, you will not receive an additional notice from the Commission on this matter. Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action. Requests for extensions of time in which to respond will not be considered.**

**Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1173.**

Sincerely,



Ashley A. Carter  
Campaign Finance Analyst  
Reports Analysis Division

11005511-11000110

**Frederic B. O'Neal, Attorney at Law**  
**P.O. Box 842**  
**Windermere, FL 34786**  
**telephone (407) 719-6796**  
**FAX (407)292-5368**  
**fredonealatlaw@aol.com**

**Date: March 3, 2010**  
**To: Ashley Carter**  
**From: Fred O'Neal**  
**Re: Tea Party, Identification Number C00472456**  
**Enclosures: - none**

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**Dear Ms. Carter:**

Following up on my letter to you of 2/11/10, please consider this letter to be the termination statement for the Statement of Organization filed back on December 28, 2009.

There has been no activity for the Tea Party since the filing of the Statement of Organization.

If you should have any questions, please don't hesitate to contact me.

Sincerely,

Frederic B. O'Neal, Esq.

# Tea Party Principle 1

## Tea Party Candidate Pledge

*"Where Liberty dwells, there is my Country"*  
**Tea Party candidates must agree to the following pledge:**

1. I will always strive to minimize the impact of big business, big unions and big government while acting on behalf of my constituents.  
*"Vested special interest should not control government."*
2. I will reduce the amount of debt created through the actions and policies of my government.  
*"It is immoral to leave insurmountable debt to our children and grandchildren."*
3. I will support all efforts to reduce government debt.  
*"Government should never spend beyond its means."*
4. I will reduce the burden of taxation on the people whom I represent.  
*"The people are Taxed Enough Already."*
5. I will not support any additional government intervention in a free market system.  
*"No more corporate welfare through bailouts."*
6. When elected, I will adhere to the strict interpretation of The Constitution and the Bill of Rights.  
*"People should not fear their government."*
7. I will work to make the political system more accessible to people of all backgrounds.  
*"Citizen education and involvement in the political system must be advanced."*
8. I will champion the reduction of government regulation over small businesses.  
*"Small business is the backbone of our economy."*
9. I will not support any new taxes without voter approval.  
*"No new taxation without citizen representation and approval."*
10. I will support all actions that make public policy totally transparent to the public.  
*"We need to harness the power of technology to keep the people informed."*

## Tea Party Principles

*"Restoring America to its Founding principles"*

### Political Integrity:

The Tea Party will support candidates who provide integrity, courage and honesty to the political process.

### Fiscal Responsibility:

The Tea Party will promote a lower tax burden on the citizens of the Republic.

### Less Government:

The Tea Party will promote a smaller and more efficient government at all levels.



**www.FloridaTEAParty.us**  
 121 South Orange Avenue, Suite 1500  
 Orlando, FL 32801

Additional Advertising Build for and increased for V&A donor

## TEAM TEA! The TEA Party 2010 Victory Candidates

### United States Congress District 8

**Peg Dunmire**  
 13352 Paloma Drive • Orlando, FL 32837  
 (407) 858 8064  
[www.DunmireForCongress.com](http://www.DunmireForCongress.com)  
[peg@dunmireforcongress.com](mailto:peg@dunmireforcongress.com)

### United States Congress District 12

**The Honorable Randy Wilkinson**  
 Post Office Box 1562 • Bartow, FL 38831  
 (813) 952-8952  
[www.ElectRandy.com](http://www.ElectRandy.com)

### United States Congress District 25

**Roly Arrojo**  
 864 - 80 Street, Apartment 2 • Miami Beach, FL 33141  
 (786) 554-5814

**Florida Agriculture Commissioner**  
**Ira Chester**  
 3305 Claiborne Court  
 Tallahassee, FL 32312

**Florida State Senator District 2**  
**Christopher Crawford**  
 688 North Orange Avenue  
 Apartment 5303  
 Orlando, FL 32801  
[crazyforcrawford@gmail.com](mailto:crazyforcrawford@gmail.com)

**Florida State House District 24**  
**John A. Ferentinos**  
 3348 Wilderness Trail  
 Kissimmee, FL 34746  
 407-334-0380  
[JF2282@aol.com](mailto:JF2282@aol.com)

**Florida State House District 34**  
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 2375 Flamingo Way  
 Winter Park, FL 32782  
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[john@johndavries2010.com](mailto:john@johndavries2010.com)

**Florida State House District 35**  
**Nina Virona**  
 13352 Paloma Drive  
 Orlando, FL 32837  
[nnavirona@mac.com](mailto:nnavirona@mac.com)  
[nirona2010.com](http://nirona2010.com)

**Florida State House District 38**  
**"Heinie" Heinzelman**  
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 (407) 442-9522  
[Heinie@Heinie2010.com](mailto:Heinie@Heinie2010.com)  
[www.heinie2010.com](http://www.heinie2010.com)

**Florida State House District 40**  
**Darin Richard Dunmire**  
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[darindunmire@gmail.com](mailto:darindunmire@gmail.com)  
[darindunmire2010.com](http://darindunmire2010.com)

**Florida State House District 41**  
**Jon Foley**  
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[foleyj41@gmail.com](mailto:foleyj41@gmail.com)

**Florida State House District 51**  
**Victoria Torres**  
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[victortorres324@gmail.com](mailto:victortorres324@gmail.com)

**Florida State House District 57**  
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[rpantoja25@gmail.com](mailto:rpantoja25@gmail.com)

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[josealv@aol.com](mailto:josealv@aol.com)

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[johnny6824@off.r.com](mailto:johnny6824@off.r.com)

**Florida State House District 88**  
**Jason Weakley**  
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[facebook.com/ElectJasonWeakley](https://facebook.com/ElectJasonWeakley)  
[twitter.com/JasonWeakley](https://twitter.com/JasonWeakley)

**Florida State House District 105**  
**Christopher Blau**  
 Post Office Box 827  
 Largo, FL 33776

**Florida State House District 108**  
**Alex Fernandez**  
 2720 SW 29th Court  
 Miami, FL 33133

**Florida State House District 128**  
**Henry Llorella**  
 1033 NW 130 Avenue  
 Miami, FL 33182  
 (786) 325-8809

### Broward County Commissioner District 2

**Ron Taylor**  
 2111 Winston Drive  
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[info@voterontaylor.com](mailto:info@voterontaylor.com)  
[www.voterontaylor.com](http://www.voterontaylor.com)